

# EXHIBIT 37

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

STATE OF MARYLAND; STATE OF  
DELAWARE; STATE OF CALIFORNIA; STATE  
OF COLORADO; STATE OF ARIZONA; STATE  
OF CONNECTICUT; DISTRICT OF COLUMBIA,  
STATE OF HAWAII; STATE OF ILLINOIS;  
OFFICE OF THE GOVERNOR *ex rel.* Andy  
Beshear, in his official capacity as Governor of the  
COMMONWEALTH OF KENTUCKY; STATE OF  
MAINE; COMMONWEALTH OF  
MASSACHUSETTS; PEOPLE OF THE STATE OF  
MICHIGAN; STATE OF MINNESOTA; STATE OF  
NEVADA; STATE OF NEW JERSEY; STATE OF  
NEW MEXICO; STATE OF NEW YORK; STATE  
OF NORTH CAROLINA; STATE OF OREGON;  
JOSH SHAPIRO, in his official capacity as  
Governor of the COMMONWEALTH OF  
PENNSYLVANIA; STATE OF RHODE ISLAND;  
STATE OF VERMONT; STATE OF  
WASHINGTON; STATE OF WISCONSIN;

Plaintiffs,

v.

CORPORATION FOR NATIONAL AND  
COMMUNITY SERVICE, operating as  
AmeriCorps; and JENNIFER BASTRESS  
TAHMASEBI, in her official capacity as Interim  
Head of the Corporation for National and  
Community Service;

Defendants.

Civ. No. 25-cv-01363 (DLB)

**DECLARATION OF PHILIP KOLLING**

Pursuant to 28 U.S.C. § 1746, I, Philip Kolling, hereby declare as follows:

1. I am a resident of the State of Vermont ("State"). I am over the age of 18 and have personal knowledge of all the facts stated herein, including as based on my experience and

information provided to me. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am currently employed by the Vermont Agency of Human Services (“AHS”) as Executive Director of SerVermont, which is Vermont’s State Service Commission.

3. The Vermont State Service Commission was created in 1994 to review and approve all AmeriCorps State funding in Vermont and to serve as a body of ambassadors for service and volunteerism in local communities. AHS, as the administrator of the Commission, applies for grants to the Corporation for National and Community Service, the federal agency that manages AmeriCorps, and other public and private sources for additional funding.

4. Currently, SerVermont administers five (5) AmeriCorps grants that address the State’s needs in the areas of economic opportunity, healthy futures, capacity building, disaster services, and environmental stewardship and two (2) administrative grants.

5. As SerVermont’s Executive Director, I oversee the operations and funding for the Commission.

6. AmeriCorps provides SerVermont with the following sources of funding:
- a. AmeriCorps State grants. AmeriCorps awards grants to organizations to engage individuals in sustained service to address local, regional, and national challenges. Most of the AmeriCorps State funding for these grants goes to SerVermont, which in turn awards grants to organizations to respond to local needs. AmeriCorps State dollars include both competitive grant dollars that are based on grant awards selected by AmeriCorps in a national competition and formula dollars that are automatically allocated to each state based on its population.

- b. State Commission Operations Support grants (Commission Support Grants (“CSG”) and Commission Investment Fund (“CIF”). These grants are awarded to support SerVermont’s operations. Some of the activities funded by these support and investment fund grants include: (i) developing strategies or approaches for outreach to community and faith-based organizations and intermediaries interested in operating an AmeriCorps program; (ii) planning annual events and technical assistance activities; (iii) monitoring and providing compliance oversight for AmeriCorps subgrantees that receive funding through SerVermont; and (iv) developing a three-year comprehensive national and community service strategy for Vermont.
  - c. AmeriCorps VISTA Support grant. This grant provides funding for direct expenses, including administrative staff, to support a VISTA program.
- 7. Americorps also provides the following programs and services:
  - a. The AmeriCorps VISTA program places individuals with nonprofit organizations, public agencies, and tribal governments to expand, reach, and deepen impact in making sustainable change that alleviates the impact of poverty. Through capacity-building initiatives including fundraising, volunteer recruitment, program development, and more, VISTA members gain experience and leadership skills that put them on track for a life of service in the public, private, or nonprofit sector. Eleven (11) VISTA members are currently placed at nine (9) nonprofits and government agencies providing critical capacity to support their missions. Living stipends for all VISTA members are paid directly by AmeriCorps.



- b. AmeriCorps directly provides numerous support and benefit programs to AmeriCorps members such as the AmeriCorps Childcare Benefit Program and the facilitation of healthcare benefits for some members.
- c. AmeriCorps members receive a living stipend, access to healthcare insurance, and educational award (\$7,395 for full time service and awarded proportional to the member's period of service). AmeriCorps members are not deemed employees of the grantee and cannot receive unemployment insurance if their service period is terminated early.
- d. In addition, to programs managed by SerVermont, there are numerous grants that are provided directly by AmeriCorps to benefit organizations in the State, including the AmeriCorps Seniors Foster Grandparents, AmeriCorps Senior Companions, and AmeriCorps Seniors RSVP. The AmeriCorps Seniors Foster Grandparents provides grants to organizations to engage low-income individuals aged 55 or older in providing one-on-one mentoring and academic support to children with special or exceptional needs. The AmeriCorps Seniors Senior Companions provides grants to organizations to engage low-income individuals aged 55 or older in providing supportive, individualized services to help homebound seniors and other adults maintain their dignity and independence. AmeriCorps Seniors RSVP provides grants to organizations to engage individuals aged 55 or older in providing Meals on Wheels, free exercise classes like Arthritis Foundation Exercise Program, Falls Prevention Tai Chi, Bone Builders and direct service and companionship support to older adults.

8. In the past, SerVermont has received the following sources of funding from AmeriCorps: In 2024, the Commission received federal funding from AmeriCorps as follows: \$2.3 million in AmeriCorps State grants, \$739,150 in State Commission Operations Support Grant, and \$513,413 in State Commission Investment Fund. The 2024 AmeriCorps State funds supported the following five programs across the State: (1) Vermont Housing and Conservation Board; (2) Vermont State University ; (3) Vermont Department of Environmental Conservation; (4) Vermont Youth Conservation Corps; (5) ReSource. In total, these programs supported at least 52 service locations and 199 participants. Further, funding partially or fully supported over 20 program staff members for these grantees.

9. On or about April 16, 2025, SerVermont became aware through several organizations and news channels that a significant percentage of AmeriCorps staff was placed on administrative leave. Since April 17, 2025, SerVermont has not received responses or guidance regarding multiple items AmeriCorps staff had been working on, including processing No Cost Extensions for support grants, and approving VISTA Service Opportunity Listings.

10. On or about 6:44 p.m. on Friday April 25, 2025, SerVermont received an email (“Termination Notice”) from AmeriCorps, stating that, effective immediately, the AmeriCorps award or subrecipient(s) included in an attached spreadsheet were being terminated “per 2 CFR 200.340(a)(4) because it has been determined that the award no longer effectuates agency priorities. You must immediately cease all award activities. This is a final agency action and is not administratively appealable.” As a State Commission, SerVermont was directed “to immediately notify subgrantees, operating sites, and members and follow grant close-out procedures. All member activities must cease immediately.”

- a. The termination notices related to five (5) programs (out of 5 current programs) as follows: two (2) Formula grants subrecipients (including Vermont State University and Vermont Housing and Conservation Board), three (3) Competitive grants subrecipients (including ReSource, Vermont Youth Conservation Corps, and Vermont Department of Environmental Conservation) (collectively "Affected Grants").
- b. There was no communication from AmeriCorps regarding any change in agency priorities or any indication that the agency was going to send termination notices for all the State's AmeriCorps State grants.
- c. SerVermont contacted representatives of the Affected Grants late Friday night (April 25) to alert them about the notices as the termination notices directed SerVermont to contact all affected subrecipients. The termination notice, which was sent after business hours on a Friday, caused significant confusion and chaos over the weekend, uprooting the lives of members and key community services for Vermont.
- d. Termination of the programs funded by the Affected Grants has a significant impact on the State. These grants supported at least 70 members and 8 FTE staff positions at the time the notice was received. Services that will no longer be available include educational programs (e.g. summer camps, after school programming), community support services (e.g. public land and waterway improvements, access to healthy food, housing placement services), disaster relief (e.g. flood response and recovery) and capacity building services for AmeriCorps host sites. Some of these programs have been in existence for over 30 years.



11. The lack of communications and staffing has placed the future of all of Vermont AmeriCorps programs in jeopardy. SerVermont and grantees rely on numerous actions that must be completed by AmeriCorps. If its staff is unable to take timely action on these matters, there would be irreparable harm for the State and the AmeriCorps Programs as it may require programs to stop providing services due to funding delays and uncertainty.

a. Drawdown Approval Delays: The budget supporting SerVermont significantly relies on the administrative grant funds for reimbursement of staffing, training, technical assistance, compliance monitoring, timesheet, and file management expenses in accordance with applicable federal statute and regulations. With respect to grantees receiving AmeriCorps funding through SerVermont (Vermont AmeriCorps State Competitive and Formula Grants), there is over \$1 million in outstanding reimbursable funds for the grant year ending in August 2025. Significant delays in the reimbursement of program expenses would have a similar effect as termination of all of the grants as most programs would have to stop operations as they would be unable to fund members and staff salaries. AmeriCorps members would lose their living stipend and would only get a percentage of their educational award.

b. Grant Review and Approval:

i. AmeriCorps Competitive Grants: Potential grantees can apply for grants directly through AmeriCorps. In 2025, applications for this Program from Vermont grantees totaled \$2.7 million. In prior years, to ensure that programs have sufficient time to enroll members, enter into contractual arrangements, and seek approval by the State Commission, AmeriCorps has issued their



decisions in April/May. This allows grantees that are not selected through AmeriCorps' Competitive process to be considered for Vermont AmeriCorps Formula Grants. All grants need to be approved by the Commission no later than June 2025. Approved grants are submitted to AmeriCorps by June 13, 2025, for final approval for a start date of September 2025.

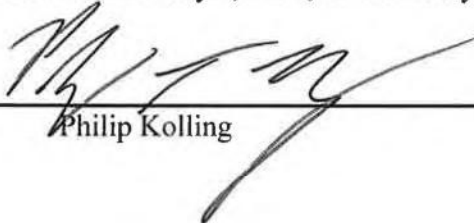
- ii. Formula Grants: In March 2025, AmeriCorps provided SerVermont with guidance regarding the 2025 funding for Formula grants. The guidance stated that AmeriCorps will allocate the statutory minimum of one-half of one percent (0.5 percent) of the total allocation to each state and then use a population-based formula to allocate any remaining unallocated funds to states eligible to receive more than the minimum. In 2024, SerVermont was awarded \$1.1 million in Formula grants. To allocate the 2025 Formula funds, SerVermont will review applications by potential grantees (including those that were not selected as part of the Competitive process) in May 2025. All grants need to be approved by the Commission no later than June 2025. Approved grants are then submitted to AmeriCorps for final approval by June 13, 2025 for a start date of September 2025.
- iii. State Commission Operations Support grants: On April 16, 2025, SerVermont submitted applications for CSG and CIF in the amount of \$461,000 for the period starting in July 2025. Grants must be approved by AmeriCorps no later than June 30, 2025 (the current grants' expiration date) for a start date of July 1, 2025.

- iv. Delays and Chilling Effect on Recruitment. Delays in the review and approval of grants will impact the grantee's ability to continue programs beyond July 2025 for the administrative grants and August 2025 for the operations grants. Due to the current reductions in AmeriCorps staff, unexpected termination notices, and uncertainty about future funding, grantees are unable to realistically plan for future operations, including securing philanthropic assistance for any match requirements. Programs need to advertise for members positions in April/May to ensure sufficient staffing and member enrollment to begin in September. The recent news about termination of AmeriCorps NCCC, State and National and VISTA members will certainly have a chilling effect for prospective members as AmeriCorps will not be viewed as a reliable source for service opportunities. Successful recruitment of potential members and service sites for the next grant year is in peril. Grantees will suffer if they do not have sufficient members to serve in their programs. For programs that typically begin in the fall they would have to cease operations until the summer of 2026 as they would be unable to commit to provide services before their grant's start date.
- c. No-Cost Extensions: Currently, GOSV has two 2 pending requests for no-cost extensions for over \$449,000 that were previously cleared for approval by AmeriCorps staff. These no-cost extensions would allow SerVermont to use these funds up to 18-months months after the grant expiration dates (June 30, 2025) to support its operations. Lack of approval before the expiration of the grant (June

30, 2025) would mean that the funding would be lost without adequate review of these requests.

- d. AmeriCorps' Support of Vermont's Economy and the Effect of a Pause or Termination of Grants: As described above, delays in funding and grant awards and the uncertainty as to the future of the agency and funding stream would result in the de-facto termination of all AmeriCorps programs. Finally, Members' inability to secure the full educational award would also negatively affect higher educational institutions that benefit from the enrollment and K-12 schools, as Members would be unable to pay for the teaching licensing fees or may not enroll in continuing education at the same rate due to reduced education awards. Since 1994, more than 6,600 Vermont residents have earned education awards totaling over \$24.4 million.

I declare under penalty of perjury under the laws of the United States that, to the best of my knowledge, the foregoing is true and correct. Executed on May 5, 2025, at Waterbury, Vermont.

  
Philip Kolling